

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 14, 2013

Agenda Item: Fishing Access Site Annual Rule

Division: Fisheries

Action Needed: Adopt Final Rule

Time Needed on Agenda for this Presentation: 15 minutes

Background

On December 20, 2012 the FWP Commission proposed a Fishing Access Site (FAS) Annual Rule for FWP fishing access sites. The rules pertain to FAS camping and permit fees, camping regulations, permit requirements, and food storage. The Department is asking the Commission to adopt a Final Rule.

Public Involvement Process & Results

FWP received comments from 11 individuals, a fishing outfitter association, and Missoula County (13 total). The original comments were sent to the Commission and are summarized below:

- Overall support for rule.
- Opposed to food storage authority.
- Allow storage of food in pickup toppers.
- Apply less-restrictive requirements for attending food during daytime hours.
- Expand types of 501(c) nonprofits that are eligible for a fee adjustment.
- Group use permit requirement on Madison River will displace use to Yellowstone River.
- Senior camping discount for Montana residents discriminates against nonresidents.
- Increase opportunities for people to camp together at Thompson Chain of Lakes.
- Revise North Fork of Blackfoot River Special Recreation Permit (SRP) description for clarity.
- Minimum SRP fee should be higher.
- Opposed to increasing minimum SRP fee.
- FWP should establish a new fee or require a Conservation License for people using fishing access sites who have not purchased a Conservation or Fishing License.

Alternatives & Analysis

In response to public comments, the Commission could decide not to adopt language authorizing the department to implement food storage orders. This would appeal to people who view food storage as an unnecessary inconvenience, but would hamper FWP's ability to address concerns with human-bear conflicts. The Commission could decide not to increase the minimum fee for special recreation permits, or to increase it more than the amount recommended by the Department. Both of these options would result in inconsistency with the BLM fee schedule (FWP's agency partner on the Blackfoot and Madison rivers).

Agency Recommendation & Rationale

The Department recommends the Commission adopt the Final FAS Annual Rule with the following changes: 1) change definition of nonprofit organization to include all 501(c)s, not just 501(c)(3)s; and 2) revise language defining the section of the North Fork of Blackfoot River that is subject to the SRP program.

Proposed Motion

“I move that the FWP Commission adopt the Final Fishing Access Site Annual Rule with the changes recommended by the Department.”